

**OCTOBER 26, 2010**

A regularly scheduled meeting of the Wantage Township Land Use Board was held on Tuesday, October 26, 2010 at the Wantage Township Municipal Building. The meeting was held in compliance with the provisions of the Open Public meetings act, P.L. 1975, Chapter 231. It was properly noticed and posted to the public.

**ROLL CALL**

PRESENT: Mssrs. Bono, DeBoer, Gaechter, Grau, Smith, Stefanelli, VanderGroef.  
Mmes. Gill, Kanapinski, Kolicko, Attorney Glenn Kienz, Engineer Harold Pellow.  
ABSENT: Mssrs. Cecchini, Slate, and Cillaroto.

**APPROVAL OF MINUTES**

Mr. Bono made a motion seconded by Ms. Kanapinski to adopt the minutes of September 28, 2010.

**ROLL CALL VOTE:**

THOSE IN FAVOR: DeBoer, Gaechter, Stefanelli, Kanapinski, Kolicko, Smith.  
THOSE OPPOSED: None. MOTION CARRIED.

**RESOLUTIONS**

**L-13-2009 BICSAK BROTHERS REALTY, LLC**

Mr. DeBoer made a motion seconded by Mr. Gaechter to adopt the resolution memorializing the Board's decision of September 28, 2010 granting request for clarification and approval of an existing condition to Bicsak Brothers Realty, LLC for Block 11, Lot 5, located on Route 23, in the Highway Commercial Zone, subject to the following terms and conditions:

1. The Board specifically recommends this application for limited blasting is consistent with the license and recommends that the governing body accept this as a recommendation of the Land Use Board.
2. Applicant shall comply with all blasting requirements of the State of New Jersey subject to final site plan review and approval by the Board Engineer.
3. Applicant shall have on-site meetings with the Board Engineer prior to the starting of any new phase and shall take no actions without his specific approval.
4. No more than 491,000 cubic yards of materials shall be removed from the site and records shall be provided to the Board Engineer on a bi-monthly basis confirming how much material is being taken off the site.
5. No activities within 500 feet of any outside boundaries or rights-of-way shall take place.
6. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Wantage, County of Sussex, State of New Jersey, or any other jurisdiction.

**ROLL CALL VOTE:**

THOSE IN FAVOR: DeBoer, Gaechter, Stefanelli, Kanapinski, Kolicko, Smith.  
THOSE OPPOSED: None. MOTION CARRIED.

**L-7-2010 SPACE FARMS, INC.**

Mr. Smith made a motion seconded by Mr. Stefanelli to adopt the resolution memorializing the Board's decision of September 28, 2010 granting use variance, minor subdivision approval with ancillary variance relief to Space Farms, Inc. for Block 160, Lot 12, located on Lusscroft Road, in the R-5 Zone, pursuant to N.J.S.A. 40:55D-70(d) and N.J.S.A. 40:55D-47, subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved.
2. This approval is granted strictly in accordance with the plat prepared by , Edward P. Brands entitled Proposed Subdivision of Tax Lot 12, Block 160 owned by Space Farms, Inc., dated October 10, 2009, last revised November 9, 2009.
3. The Applicant shall provide a 20 by 20 foot back out area for the parking lot so that no vehicles back out into the Township Road subject to the review and approval of the Township Engineer.
4. Applicant shall move the driveway approximately 25 feet to insure safe ingress and egress to the parcel subject to final review and approval of the Township Engineer.
5. Applicant shall contribute \$1,900.00 to the Road Trust Fund.
6. No additional accessory structures shall be permitted to be located in the front yard.
7. Applicant shall be required to meet any COAH requirements at the time.
8. Applicant shall cutoff access that does not function at this time subject to the review and approval of the Board Engineer.
9. The Deed recorded memorializing this subdivision shall specifically refer to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney. The Applicant shall record the Subdivision Deed within 190 days of the memorializing Resolution being adopted. Failure to do so shall render this approval null and void.
10. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
11. Certificate that taxes are paid to date of approval.
12. Sussex County Planning Board approval.
13. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Wantage, County of Sussex, State of New Jersey, or any other jurisdiction.

ROLL CALL VOTE:

THOSE IN FAVOR: Stefanelli, Kanapinski, Kolicko, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

**L-8-2010 STEVEN AND JENNIFER KOSINSKI**

Mr. Smith made a motion seconded by Mr. Stefanelli to adopt the resolution memorializing the Board's decision of September 28, 2010 granting minor subdivision approval with variance relief to Steven and Jennifer Kosinski for Block 143, Lot 8.02, located on Moore Road and Salem Road in the RE-5 Zone, pursuant to N.J.S.A. 40:55D-47 and N.J.S.A. 40:55D-70(c), subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved based upon plans entitled Minor Subdivision of Block No. 143, Lot 8.02 prepared by Kenneth A. Wentink Associates with a date of August 10, 2010 consisting of five (5) sheets.
2. Applicants shall provide evidence of their receipt of a General Permit #6 to be made part of the file subject to the review and approval of the Board Engineer.
3. Applicants shall contribute \$1,800.00 to the Township Road Trust Fund prior to the Deeds being signed.
4. Applicants shall comply with any and all COAH regulations as may be applicable at the time.
5. Applicants shall obtain a driveway permit at the time of seeking a building permit.
6. Wetlands and transition areas shall be conveyed as Conservation Easements subject to the review and approval of the Township Engineer and Board Attorney.
7. Applicants shall obtain a soil erosion and sediment control permit, if required.

8. Applicants shall trim trees in accordance with specific recommendations of the Board Engineer.
9. Prior to the issuance of any construction permit, the Applicants shall file with the Board and Construction Official an affidavit verifying that the Applicants are in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.
10. The Deed recorded memorializing this subdivision shall specifically refer to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney. The Applicants shall record the Subdivision Deed within 190 days of the memorializing Resolution being adopted. Failure to do so shall render this approval null and void.
11. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
12. Certificate that taxes are paid to date of approval.
13. Sussex County Planning Board approval.
14. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Wantage, County of Sussex, State of New Jersey, or any other jurisdiction.

ROLL CALL VOTE:

THOSE IN FAVOR: DeBoer, Gaechter, Stefanelli, Kanapinki, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

**APPLICATIONS**

**L-1-2010 80 LEWISBURG ROAD, LLC**

The applicant is requesting extension of minor subdivision approval. The original approval was memorialized on April 27, 2010. The property is known as Block 18, Lot 25 and is located on Lewisburg Road.

Mr. John Sarracco appeared before the Board.

Mr. Sarracco explained that the reason for the request was that the deeds were in the process of being reviewed and that the applicant was in the process of obtaining necessary documentation regarding the access to Lot 25 across Lot 26.

Mr. Stefanelli made a motion seconded by Mr. Bono to reaffirm the subdivision and grant 190 days extension to June 1, 2011.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, DeBoer, Gaechter, Grau, Stefanelli, Gill, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

**L-9-2010 GARY & DEBRA OLSYN**

The applicant is proposing to create two new lots and a remainder. Various variances will be needed. The property is known as Block 23, Lot 12.01 and is located on Sally Harden Road in the R-5 zone.

Engineer Kenneth Wentink and Ms. Debra Olsyn appeared before the Board.

Mr. Wentink explained that the applicant proposed to create two new lots. The existing lot, 12.01, has 14.061 acres. Proposed Lot 12.04 will have 6.003 acres and proposed Lot 12.05 will have 6.000 acres leaving remainder Lot 12.01 with 2.058 acres. Mr. Wentink indicated that the size of the new lots was decided with farmland preservation in mind.

Mr. Pellow's report was reviewed and discussed. Lot area variance is needed for Lot 12.01, Lot frontage area is needed for Lots 12.04 and 12.05, rear yard setback is needed

for Lot 12.01 and minimum, contiguous, non-constrained land variance is needed for Lots 12.01 and 12.05. The proposed two new lots would be flag lots. The access to all three lots would be from Sally Harden Road at the same point, off of the existing driveway to the existing house on Lot 12.01. This common driveway would be needed because of the topography. Access easements would be required across Lot 12.05 for the benefit of Lots 12.01 and 12.04 and across Lot 12.04 for the benefit of Lot 12.01. Road Trust Fund in the amount of \$4,000.00 would be needed and COAH regulations may need to be complied with at the time of building permit application.

There was discussion about creating one new lot instead of two new lots. By doing this, the existing lot would be a conforming lot and variances would be needed only for the new lot.

There was no one from the public wishing to be present on this application. There were some concerns with creating two new flag lots that needed so many variances. It was discussed that an easement for the driveway for Lot 12.01 would be needed even if they created one new lot instead of two. Mr. Wentink stated that the driveway for the existing house would have to remain where it was as there was no other place to relocate it to. Mr. Wentink and Mrs. Olsyn discussed revising the plans. It was agreed that Mr. Wentink would prepare revised plan for a minor subdivision with one variance and that the application would be carried to the November 30, 2010 meeting of the Board.

Mr. Grau made a motion seconded by Mr. Bono to carry this application to the November 30<sup>th</sup> meeting pending revised plans and for Mr. Kienz to prepare a favorable resolution based on Mr. Pellow's comments following the revised plans.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, DeBoer, Gaechter, Grau, Stefanelli, Gill, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED.

#### **L-10-2010 EAST COAST ALTERNATIVE ENERGY, LLC**

The applicant is proposing to construct solar panels in a front yard. The property is known as Block 158, Lot 1.10 and is located on Volcanic Hill Road in the R-5 zone.

Ms. Susan Martin and Ms. Susan Stark from East Coast Alternative Energy, LLC., appeared before the Board.

Mr. Kienz stated that the notice needed to be more detailed as to the installation of the panels and he suggested treating tonight's testimony as informal and carrying the application to the November 30<sup>th</sup> meeting, with new notices being sent by the applicant.

A discussion followed concerning the location of the panels. Mr. Pellow's report was discussed. The applicant asked to get a waiver of the L.O.I. It was explained that the applicant's professional needed to certify that there were no wetlands within 150 feet of the proposed solar panels. The applicant agreed to provide the letter at the next meeting. There was no one from the public wishing to come forward on this application.

Mr. Grau made a motion seconded by Ms. Gill to carry this application to the November 30, 2010 meeting and for Mr. Kienz to prepare a favorable resolution.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, DeBoer, Gaechter, Grau, Stefanelli, Gill, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED

#### **INFORMAL**

Ms. Linda Alvarez and Mr. Tim Loury of High Point Regional H.S. appeared before the Board. They intend to place lights in their field. It was discussed that the Board of Education required them to have documentation from the Land Use Board stating that no

variance would be needed. Mr. Kienz will send a letter to the Board of Education to that effect.

Mr. Bono made a motion seconded by Mr. Grau to authorize Mr. Kienz to prepare and mail the letter to the Board of Education.

ROLL CALL VOTE:

THOSE IN FAVOR: Bono, DeBoer, Gaechter, Grau, Stefanelli, Gill, Kanapinski, VanderGroef, Smith.

THOSE OPPOSED: None. MOTION CARRIED

### **GENERAL**

Mr. Smith gave the Board members an update on the chicken and ducks issue, following the meeting with the Health Dept, an update on the woodburning stoves, and stated that the county was helping Mr. Kervatt with the process of writing the ordinance and it has to be very carefully written.

Member VanderGroef asked if a solar panel ordinance should be put in place. Ms. Kolicko wondered if it could be incorporated in the wind turbine ordinance. Mr. Kienz stated that there would not be enough time to create an ordinance since the deadline for the grant being offered was quickly approaching.

### **ADJOURNMENT**

On a motion duly made seconded and carried, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Stella Salazar  
Secretary